

HONOURABLE SRI JUSTICE J.CHELAMESWAR
And
HONOURABLE SRI JUSTICE D.APPARAO

30-08-2006

WRIT PETITION No.13906 of 2006

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Between:

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M/s. Synergies Castings Limited, Duvvada,
Visakhapatnam. .. Petitioner

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And

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1. The Deputy Commercial Tax Officer,
Gajuwaka. and others.

..Respondents

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ORDER: (Per DAR.J):

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The petitioner, an employee of one Krishna Barik, filed the Writ Petition seeking a writ of Habeas Corpus for production of Sri Krishna Barik.

2. It is the case of the petitioner that Sri Krishna Barik is Managing Director of Saikrishna Security Force, Kothur, of Shadnagar, Mahaboobnagar District. He has provided security personnel to one Kamal Seth's factory at Kothur and the said factory was closed. However, the proprietor Kamal Sait is not paying amounts regularly for the security services provided by Krishna Barik. In order to avoid payments, Kamal Sait lodged a false complaint against Krishna Barik. Basing on which, R-1 has detained Krishna Barik on 29-06-2006 and

kept him in illegal custody. Therefore, he prayed that Krishna Barik be produced in Court.

3. The 1st respondent-Sub Inspector of Police, Kothur P.S., Mahaboobnagar District, filed counter stating that the complaint Sri E.Mahendar Reddy, visited his flour-mill on 05-07-2006 and found that lock of the store room was broken, 3 current meters worth Rs.15,000/- were stolen by some unknown offenders. Thereupon, he gave a complaint, basing on which, a case in Crime No.167 of 2006 under Sections 457 and 380 IPC was registered. On reliable information that the detenue had committed theft of three current meters, R-1 arrested the detenue on 10-07-2006. The said current meters were recovered from his possession under Panchanama and produced him before the learned Judicial First Class Magistrate at Shadnagar on 11-07-2006, who in-turn remanded him to judicial custody and now lodged at Central Prison, Chenchalguda, Hyderabad.

4. The counter affidavit of R-1 was reiterated by R-2 and R-3, the Deputy Superintendent of Police and Superintendent of Police, respectively.

5. Since the detenu was arrested and produced before the learned Magistrate who in-turn remanded him to judicial custody, nothing survives in the writ petition. He was in lawful custody. The petitioner can as well seek appropriate remedy in proper forum.

6. In the circumstances, the writ petition is dismissed. No costs.

J.CHELAMESWAR, J

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D.APPARAO, J

August 30, 2006.
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